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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,252	12/15/2003	Michael David Watkinson	33779/US	2283
25763	7590	11/25/2005	EXAMINER	
DORSEY & WHITNEY LLP INTELLECTUAL PROPERTY DEPARTMENT 50 SOUTH SIXTH STREET MINNEAPOLIS, MN 55402-1498			BETIT, JACOB F	
			ART UNIT	PAPER NUMBER
			2164	

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/734,252

Applicant(s)

WATKINSON, MICHAEL DAVID

Examiner

Jacob F. Betit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 August 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4,15,17,18 and 24-28 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1,2,4,15,17,18 and 24-28 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Remarks*

1. In response to communications filed on 13-June-2005 and 30-August-2005, claims 1, 4, 15, and 17-18 have been amended, claims 3, 5-14, 16 and 19-23 are cancelled, and claims 24-28 are added as per the applicant's request. Claims 1-2, 4, 15, 17-18, and 24-28 are presently pending in the application.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-2, 4, 15, and 17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The disclosed specification does not disclose "periodically synchronizing" or "periodically exporting" as currently claimed in independent claim 1. The specification discloses in one embodiment synchronizing and exporting dynamically or as needed rather than on a set schedule as the term "periodically" suggests.

Claims 2, 4, 15, and 17 are rejected for being dependent on rejected independent claim 1.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-2, 4, 15, 17, and 27-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "periodically" in claim 1 is a relative term which renders the claim indefinite. The term "periodically" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is not possible from reading the specification at what frequency or at what time intervals the "synchronizing" and "exporting" of claim 1 would take place.

Claims 2, 4, 15, and 17 are rejected for being dependent on rejected independent claim 1.

Claim 27 uses the registered trademark "CompactFlash®". This makes the claim scope uncertain because the trademark cannot be used to properly identify any particular product and the meaning of the term can change over time. The meaning of the term "CompactFlash®" changes as technology changes.

Claim 28 uses the registered trademark "MemoryStick®". This makes the claim scope uncertain because the trademark cannot be used to properly identify any particular product and the meaning of the term can change over time. The meaning of the term "MemoryStick®" changes as technology changes.

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-2, 4, 17-18, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobson et al. (International Publication No. WO 03/019422 A1) in view of Schenker et al. <sup>6,633,223</sup> (U.S. patent No. ~~6,633,233~~ B1).

As to claim 1, Jacobson et al. teaches a method for synchronizing database records, said method comprising the steps of:

storing, on a central computer, data files and image files (see page 17, lines 4-12);

storing, on at least one mobile computer, corresponding data and image files, wherein said data files are stored in a first memory and said image files are stored in a second memory (see page 18, 7-31);

creating new or modified files on either of the central computer or the mobile computer, wherein the new or modified files may be data files or image files;

periodically synchronizing data files stored on said central computer with data files stored in the first memory of said mobile computer using a conduit program between said central computer and said mobile memory; and periodically exporting image files stored on said central computer to said second memory of said mobile computer (see page 18, lines 19-27).

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Jacobson et al. does not teach storing student record, demographic and class schedule data files. Schenker et al. teaches this (see figure 4, reference number 78 and see column 13, line 20 through column 14, line 53). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Jacobson et al. to include the teachings of Schenker et al. because these teachings would allow a teacher to use the device with students to make sure the correct students show up for classes and tests the same way the doctors of Jacobson et al. use the device to keep track of patients and would help keep track of institutional inventory used by students (see Schenker et al., column 8, line 66 through column 9, line 6).

As to claim 2, Jacobson et al. as modified, teaches wherein said conduit program determines a user number associated with said mobile computer (see Jacobson et al., page 17, line 13 through page 18, line 2).

As to claim 4, Jacobson et al. as modified does not explicitly teach wherein said conduit program synchronizes a plurality of users via a 32 bit integer where each user is represented by 2 bits. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Jacobson et al. to include the conduit program including this because it is a design choice made by a computer programmer which would be chosen as a balance between the number of users that should be represented, the amount of memory the identifier should take up, the amount of different bits there should be between users to avoid confusion between users, and the speed on which the user should be identified.

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As to claim 17, Jacobson et al. as modified, teaches wherein said steps of exporting the image files; and synchronizing the data files are performed wirelessly (see Jacobson et al., page 11, lines 14-22).

As to claim 18, Jacobson et al. teaches a computer readable medium, said computer readable medium comprising instructions to cause a computer to:

- store, in a master database, data files, and image files (see column 17, lines 4-12);
- synchronize the data files stored on said master database with data files stored in a first memory of a mobile computer (see column 18, lines 7-31); and
- synchronize the image files stored on said master database with a database stored in a second memory of the mobile computer by exporting the image files (see column 11, lines 5-13 and lines 28-33).

Jacobson et al. does not teach student data files. Schenker et al. teaches this (see figure 4, reference number 78 and see column 13, line 20 through column 14, line 53). Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Jacobson et al. to include the teachings of Schenker et al. because these teachings would allow a teacher to use the device with students to make sure the correct students show up for classes and tests the same way the doctors of Jacobson et al. use the device to keep track of patients and would help keep track of institutional inventory used by students (see Schenker et al., column 8, line 66 through column 9, line 6).

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As to claim 24, Jacobson et al. as modified, teaches wherein the storing of corresponding data and image files is done on a plurality of mobile computers (see Jacobson et al., page 10, lines 15-30).

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobson et al. (International Publication No. WO 03/019422 A1) in view of Schenker et al. (U.S. patent No. 6,633,233 B1) as applied to claim 1-2, 4, 17-18, and 24 above, and further in view of Verts, William T., "An Essay on Endian Order", 1996-04-19, www.cs.umass.edu (herein referred to as Verts).

As to claim 15, Jacobson et al. as modified, does not teach wherein said step of exporting further includes the step of converting data in said image files from little endian format on said central computer to big endian format on said mobile computer.

Verts teaches this (see pages 1-2). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Jacobson et al. as modified above to include the teachings of Verts because these teachings would allow a palm using a 68K processor to more easily display the image if it was in bmp format.

9. Claim 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobson et al. (International Publication No. WO 03/019422 A1) in view of Schenker et al. (U.S. patent No. 6,633,233 B1) as applied to claim 1-2, 4, 17-18, and 24 above, and further in view of Karaoguz et al. (U.S. patent application publication No. <sup>2004/0117847</sup> ~~2004/01178847~~ A1).

*AL*



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As to claim 25, Jacobson et al. as modified, does not teach wherein the first memory is a random access memory.

Karaoguz et al. teaches this (see paragraph 0035). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Jacobson et al. as modified above to include the teachings of Karaoguz et al. because these teachings would allow Jacobson et al. to use the memory structures available to a common PDA device.

As to claim 26, Jacobson et al. as modified, does not teach wherein the second memory is a memory card.

Karaoguz et al. teaches this (see paragraph 0035). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Jacobson et al. as modified above to include the teachings of Karaoguz et al. because these teachings would allow Jacobson et al. to use the memory structures available to a common PDA device.

As to claim 27, Jacobson et al. as modified, does not teach wherein the second memory is compact flash.

Karaoguz et al. teaches this (see paragraph 0035). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Jacobson et al. as modified above to include the teachings of Karaoguz et al. because these

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teachings would allow Jacobson et al. to use the memory structures available to a common PDA device.

As to claim 28, Jacobson et al. as modified, does not teach wherein the second memory is a memory stick.

Karaoguz et al. teaches this (see paragraph 0035). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Jacobson et al. as modified above to include the teachings of Karaoguz et al. because these teachings would allow Jacobson et al. to use the memory structures available to a common PDA device.

### *Response to Arguments*

10. Applicant's arguments filed 13-June-2005 have been fully considered but moot in view of the new grounds of rejection.

### *Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. patent No. 6,427,063 B1 to Cook et al. for teaching an agent based instruction system and method.

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U.S. patent No. 6,877,987 B2 to Kulack for teaching educational assistant and study aid for students.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob F. Betit whose telephone number is (571) 272-4075. The examiner can normally be reached on Monday through Friday 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

jfb

  
**SAM RIMELL**  
**PRIMARY EXAMINER**